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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

**CAYETANO T. LARA,**

Petitioner,

**v.**

**ADAMS, Warden,**

Respondent.

C 07-04523 TEH (PR)

**MOTION TO TRANSFER  
VENUE TO DISTRICT OF  
CONVICTION**

Pursuant to Habeas L.R. 2254-3, Respondent hereby asks this Court to transfer the above-entitled habeas corpus action to the Eastern District of California.

According to the petition, petitioner was convicted of burglary and forcible rape and was sentenced to twenty-five years to life by the Fresno Superior Court. He is currently incarcerated at Corcoran State Prison.

The petition challenges the lawfulness of the conviction pursuant to 28 U.S.C. § 2254. The Northern District of California is the wrong venue for such an action. *See* Habeas L.R. 2254-3(a)(1) (listing counties of conviction for which Northern District venue is proper). If a habeas petition is filed in the wrong district, venue “shall” be transferred to “the district of conviction or

1 sentencing.” Habeas L.R. 2254-(b)(1). Accordingly, we ask this Court to vacate the Order to Show  
2 Cause and transfer the case to the Eastern District of California for assignment.

3 Dated: April 23, 2008

4 Respectfully submitted,

5 EDMUND G. BROWN JR.  
Attorney General of the State of California

6 DANE R. GILLETTE  
Chief Assistant Attorney General

7 GERALD A. ENGLER  
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10  
11 /s/ Juliet B. Haley

12 JULIET B. HALEY  
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13 Attorneys for Respondent  
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**DECLARATION OF SERVICE BY U.S. MAIL**

Case Name: **Cayetano T. Lara v. Adams, Warden**

No.: **C 07-04523 TEH (PR)**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service that same day in the ordinary course of business.

On April 23, 2008, I served the attached

**MOTION TO TRANSFER VENUE TO DISTRICT OF CONVICTION**

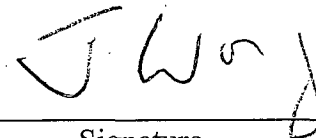
by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the internal mail collection system at the Office of the Attorney General at 455 Golden Gate Avenue, Suite 11000, San Francisco, CA 94102-7004, addressed as follows:

**Cayetano T. Lara  
#V-22918  
California State Prison-Corcoran  
3C03-241-UP  
P.O. Box 3471  
Corcoran, CA 93212-3471**

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on April 23, 2008, at San Francisco, California.

J. Wong

Declarant



Signature